



March 16, 1999

Ms. Katheryn West  
Assistant City Attorney  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR99-0738

Dear Ms. West:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 122856.

The Dallas Police Department (the “department”) received an open records request for information pertaining to a particular offense report. You contend that the requested information, a representative sample of which you have submitted to this office, is excepted from required public disclosure pursuant to, *inter alia*, section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code.

Section 552.101 of the Government Code protects “information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision.” [Emphasis added.] The information at issue pertains to the department’s investigation of alleged indecency with a child. Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:


- (1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, *the files, reports, records, communications, audiotapes, videotapes, and*

*working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.*  
[Emphasis added.]

You have not informed this office of any rules the department has adopted that would permit access to the requested records. Because the information at issue pertains to an investigation of abuse of a child, this office concludes that the department must withhold the information at issue in its entirety pursuant to section 261.201 of the Family Code.<sup>1</sup> *But see* Fam. Code § 261.201(b) (provision for court ordered access), (f) (limited right of access by parent to records held by Department of Protective and Regulatory Services).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

  
Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/RWP/ch

Ref.: ID# 122856

Enclosures: Submitted documents

cc: Ms. Josefa Jimenez  
3315 Crestview  
Dallas, Texas 75235  
(w/o enclosures)

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<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.